

U.S. Patent Application Serial No. 10/030,134
Response dated June 28, 2004
Reply to OA of **March 29, 2004**

REMARKS

Claims 1-12 are pending in this application. No amendment is made in this response.

Claims 1-3, 5, 6, 8 and 12 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,069,196 to Akao et al. (Office action paragraph no. 3)

An interview was conducted on June 7, 2004, between Applicants' agent, Daniel A. Geselowitz, and Examiners Tamra Dicus and Cynthia Kelly. In the interview, the issue of whether Akao et al. discloses an "alicyclic structure-containing polymer" as recited in claim 1, was discussed.

Applicants argued that the only alicyclic component in Akao et al. is the alicyclic carboxylic acid amide disclosed in column 51, line 15. As can be seen in column 51, lines 1-16, and column 1, line 51, this is an organic nucleating agent and does not represent an alicyclic structure in a repeating unit of Akao's polymer. As a result of the discussion, the Examiners agreed that Akao et al. does not disclose an "alicyclic structure-containing polymer" and agreed to drop the rejection over Akao et al. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Claims 4 and 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,069,196 to Akao et al. in view of U.S. Patent No. 5,437,926 to Takahashi et al. (Office action paragraph nos. 4-6)

As noted above, in the Interview conducted on June 7, 2004, the Examiners agreed that Akao

U.S. Patent Application Serial No. **10/030,134**
Response dated June 28, 2004
Reply to OA of **March 29, 2004**

et al. does not disclose an “alicyclic structure-containing polymer.” The rejection of claims 4 and 9-11 over Akao et al. and Takahashi et al. is also based on Akao et al. as disclosing the “alicyclic structure-containing polymer” of claim 1. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Claims 1, 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,069,196 to Akao et al. in view of JP Abstract 08-094852 to Hironobu. (Office action paragraph no. 7-8)

As noted above, in the Interview conducted on June 7, 2004, the Examiners agreed that Akao et al. does not disclose an “alicyclic structure-containing polymer.” The rejection of claims 1, 6 and 7 over Akao et al. and Hironobu is also based on Akao et al. as disclosing the “alicyclic structure-containing polymer” of claim 1. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an

U.S. Patent Application Serial No. 10/030,134
Response dated June 28, 2004
Reply to OA of **March 29, 2004**

appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Daniel A. Geselowitz, Ph.D.

Agent for Applicant

Reg. No. 42,573

DAG/xl

Atty. Docket No. **020085**

Suite 1000

1725 K Street, N.W.

Washington, D.C. 20006

(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Q:\FLOATERS\IDAG\020\020085\Amendment re 2nd OA of 3-29-04